

# HOUSE . . . . . No. 2664

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By Mrs. Canavan of Brockton, petition of Christine E. Canavan and others relative to needlestick injury prevention in public health facilities. Public Health.

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## The Commonwealth of Massachusetts

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### PETITION OF:

Christine E. Canavan	Louis L. Kafka
Joyce A. Spiliotis	Barbara A. L'Italien
David Paul Linsky	Elizabeth A. Malia
Shirley Gomes	Edward G. Connolly
Brian Knuuttila	Anthony J. Verga
Cory Atkins	David L. Flynn
Carl M. Sciortino, Jr.	Pamela P. Resor
Kay Khan	James B. Leary
Anne M. Gobi	Jennifer M. Callahan
Geraldine M. Creedon	Stephen M. Brewer
Martin J. Walsh	John P. Fresolo
Peter V. Kocot	Marc R. Pacheco
John W. Scibak	Benjamin Swan

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In the Year Two Thousand and Five.

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### AN ACT RELATIVE TO NEEDLESTICK INJURY PREVENTION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 Chapter 111 of the General Laws is hereby amended by
- 2 inserting after section 53C the following section:—
- 3 SECTION 53D: All state, county and municipal public health
- 4 facilities, including but not limited to the department of mental
- 5 retardation, mental health and public health shall ensure the provi-
- 6 sion of services to individuals through the use of hollow-bore
- 7 needle devices or other technology which minimize the risk of

8 injury to health care workers from hypodermic syringes or needles.  
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10 Accordingly, the Department of Public Health shall promulgate  
11 rules and regulations by November 1, 2003 requiring the use, at  
12 all state, county and municipal public health facilities, including  
13 but not limited to the departments of mental retardation, mental  
14 health and public health, of only such devices which minimize the  
15 risk of injury to health care workers from needlesticks and sharps,  
16 so-called.

17 Such rules and regulations promulgated by the department shall  
18 include the following requirements:

19 (1) Written exposure control plans shall be developed by each  
20 public health facility that include an effective procedure for identifying  
21 and selecting existing sharps prevention technology, so-called,  
22 of the types specified by the department.

23 (2) Sharps injury prevention technology shall be included as  
24 engineering or work practice controls, except in cases where the  
25 employer or other appropriate party can demonstrate circumstances  
26 in which the technology does not promote employee or  
27 patient safety or interferes with a medical procedure. Those circumstances  
28 shall be specified by the employer and shall include,  
29 but not be limited to, circumstances where the technology is medically  
30 contraindicated or not more effective than alternative measures  
31 used by the employer to prevent exposure incidents. In all  
32 cases the department shall make the final determination as to  
33 whether an employer or other appropriate party has demonstrated  
34 in a satisfactory manner circumstances which warrant an exemption  
35 from the inclusion of sharps injury prevention technology.

36 (3) Information concerning exposure incidents shall be  
37 recorded in a sharps injury log to be kept within the facility and  
38 reported annually to the department, including but not limited to,  
39 the type and brand of device involved in the incident. Such logs  
40 shall be used as the basis for continuing quality improvement in  
41 reducing sharps injuries through the provision of education and  
42 the procurement of improved products. Such logs shall be kept  
43 confidential and shall be used only for the intended purposes of  
44 this section.

45 (4) Written exposure control plans shall be updated when nec-  
46 essary to reflect progress in sharps prevention technology as  
47 determined by the department.

48 The department shall compile and maintain a list of needleless  
49 systems, needles, and sharps, so-called, with engineered injury  
50 protections. Said list shall be available to assist employers in com-  
51 plying with rules and regulations promulgated in accordance with  
52 this act.